occurrence of the injury, is against public policy and unenforceable. I think all mine inspectors should be instructed to not sign any such waiver or agreement as that enclosed with your letter.

In answer to your second question, I call your attention to section 9463 of Burns Revised Statutes, Supplement of 1929, which provides that the Workmen's Compensation Act shall apply to the state, to all political subdivisions thereof, to all municipal corporations within the state, to persons, partnerships and corporations engaged in mining coal, and to the employees thereof, without any right of exemption from the compensation provisions thereof. A mine inspector, being an employee of the State of Indiana, would without doubt, be entitled to compensation if injured in the performance of his duties as such.

In answer to your third question, if the mine inspector was injured or killed through and as a proximate result of the negligence of the coal company and was not, himself, guilty of contributory negligence, the coal company would be liable for the damages caused by its negligent acts or the negligent acts of its servants and employees.

LIEUTENANT-GOVERNOR: Dealers in coal—who buy coal at mine and truck it to cities must comply with chapter 177, Acts of 1931.

August 23, 1933.

Lieut-Gov. M. Clifford Townsend,
Department of Commerce and Industry,
Indianapolis, Indiana.
Attention: Mr. M. L. Lang, Commissioner of Weights and Measures.

Honorable Sir:
I have before me your recent request for an official opinion and presenting the following inquiry:

"May I have your opinion as to whether or not persons who buy coal at the mine, truck it into a city or elsewhere, and dispose of it, are considered as dealers and thereby required to comply with the law in detail including the use of delivery tickets and the display of signs on delivery vehicles."

Chapter 177 of the Acts of 1931, (page 630-631), provides:
"Sec. 1. That it shall be unlawful for any person, firm or corporation, by himself or itself, or by his or its servant or as the servant or agent of another, to sell or offer for sale or delivery at retail any coal or coke, which is sold by weight, unless each such delivery is accompanied by a delivery ticket and a duplicate thereof, upon each of which tickets and duplicates thereof shall be written, or otherwise indicated, (a) The name and address of the person, firm, corporation or association, selling and delivering or attempting to sell or deliver such commodity, (b) The gross weight of the load, the tare weight of the delivering vehicle, and the net amount in weight, of the commodity being delivered in such vehicle, (c) The name or identifying initials of the party who weighed it, (d) The state in which the coal was mined, the name of the coal or the number of the vein or seam from which the coal was taken, and the size and grade thereof. One of such delivery tickets or the duplicate thereof shall be delivered and surrendered by the person or persons in charge of the delivery of such load of commodities to the purchaser thereof or to his agent or representative; and the other ticket or duplicate shall be retained by the person, firm or corporation making such a sale for a period of not less than twelve months from date of sale.

"Sec. 3. Upon both sides of delivery vehicles shall be displayed a sign with letters not less than three inches in height, showing name of person, firm or corporation delivering or attempting to deliver commodities as prescribed in section 1."

Acts of 1931, pages 630-631, Chap. 177, Secs. 1 and 3.

From the language of the statute set forth above, it is clear that any person who offers to sell, or to deliver, coal or coke at retail, regardless of whether the coal is obtained directly from the mine or otherwise, is strictly within the purview of the act.

I am of the opinion then, that one who buys coal at the mine, trucks it into the city or elsewhere and disposes of it at retail should comply with all of the provisions of chapter 177 of the Acts of 1933 and its amendments to date.